

REMARKS

I. Introduction

Claims 1 to 3 and 5 to 11 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Response to Amendment

The Final Office Action alleges that the Amendment filed on February 19, 2004 introduces new matter. The Final Office Action recognizes that the Specification as originally filed stated on page 2, lines 22 to 23 disclosed "a torsion spring as a pressure element, e.g., a leaf spring." However, the Final Office Action then alleges that "[a] torsion spring is not originally disclosed" -- despite the early recognition that the Specification as originally filed stated on page 2, lines 22 to 23 disclosed "a torsion spring as a pressure element, e.g., a leaf spring."

While Applicants respectfully disagree, to facilitate matters, the Specification and Abstract have been amended herein to change "torsion spring" to --bending spring--. It is believed and respectfully submitted that the amendments to the Specification and Abstract do not add any new matter. In this regard, the Abstract, for example, states on lines 14 to 15 that "in a compressed state, the distance between the ends [of the pressure element] is shortened by ***bending***" (emphasis added). Figures 1 to 3 also plainly illustrate that changing "torsion spring" to --bending spring-- is consistent with the present application as originally filed. Thus, it is respectfully submitted that the Specification as filed adequately describes that the pressure element is bendable and that changing "torsion spring" to --bending spring-- adds no new matter.

III. Rejection of Claims 1 to 3, 5 and 6 Under 35 U.S.C. § 112, First Paragraph

Claims 1 to 3, 5 and 6 were rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. The Final Office Action alleges that "[a] torsion spring was not originally disclosed." As an initial matter, this rejection is not understood since claims 1 to 3, 5 and 6 remained substantially unchanged in the Amendment filed on February 19, 2004.

Thus, there is a strong presumption that the present application as filed provides an adequate written description of the subject matter recited in claims 1 to 3, 5 and 6. In re Wertheim, 541 F.2d 257, 263, 191 U.S.P.Q. 90, 97 (C.C.P.A. 1976); See also M.P.E.P. § 2163.

Notwithstanding the foregoing and while Applicants respectfully disagree with the merits of this rejection, to facilitate matters, claims 1, 5 and 6 have been amended herein without prejudice to change "torsion spring" to --bending spring--. As more fully set forth above, the Abstract, for example, states on lines 14 to 15 that "in a compressed state, the distance between the ends [of the pressure element] is shortened by **bending**" (emphasis added). The Figures also plainly illustrate that a "bending spring" is fully supported by the present application as originally filed.

It is therefore respectfully submitted that the present rejection has been obviated, and withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 1 to 3, 5 and 6
Under 35 U.S.C. § 112, Second Paragraph

Claims 1 to 3, 5 and 6 were rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite. This rejection is not understood since there is nothing unclear with respect to the term "torsion spring." Notwithstanding the foregoing and while Applicants respectfully disagree with the merits of this rejection, to facilitate matters, claims 1, 5 and 6 have been amended herein without prejudice to change "torsion spring" to --bending spring--. It is believed and respectfully submitted that claims 1 to 3, 5 and 6 fully comply with the definiteness requirement of 35 U.S.C. § 112, second paragraph, and withdrawal of this rejection is therefore respectfully requested.

V. Allowed Claims 7 to 11

Applicants note with appreciation the indication that claims 7 to 11 are allowed.

VI. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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